

## **Exhibit 13**

John F. Collins (JC 9324)  
DEWEY BALLANTINE LLP  
1301 Avenue of the Americas  
New York, New York 10019  
(212) 259-8000

David A. Ettinger (P26537)  
Jeffrey H. Kuras (P66036)  
HONIGMAN, MILLER, SCHWARTZ AND COHN, LLP  
660 Woodward Avenue  
2290 First National Building  
Detroit, MI 48226-3506  
(313) 465-7368

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
USA BASEBALL, THE NATIONAL HIGH  
SCHOOL BASEBALL COACHES ASSOCIATION,  
DR. PETER BERG, JUAN HERNANDEZ, DENNIS  
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO  
NAVARRO, JOHN TORRES, EASTON SPORTS,  
INC., WILSON SPORTING GOODS CO.,  
RAWLINGS SPORTING GOODS COMPANY, and  
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

-----X

**DECLARATION OF MATT ARNDT**

I, Matt Arndt, depose and state as follows:

1. I am the Senior Vice President of Baseball and Softball for Easton Sports, Inc. ("Easton"). I have held this position for approximately one year. Prior to this position, I served as Director of Baseball and Softball at Easton for over 7 years.

2. The New York City legislation banning the use of metal and non-wood composite bats will have serious harmful consequences for Easton.

3. Easton prides itself on its ability to deliver baseball bats that baseball players prefer and that enhance their enjoyment of the game. Easton has built a considerable reputation and substantial goodwill as a result of its consistent ability to innovate and deliver on player preferences over the years. This reputation is the result of a significant and ongoing investment in the design, research, and development of its premier metal and non-wood composite bats.

4. Easton's successful ability to deliver products that players prefer is reflected in its position as the top seller of baseball bats, as reported by independent industry statistics. Easton's innovation continues to pay dividends, as 64% of our dealers are expecting to increase their amount of orders of Easton bats.

5. This success is due in part to Easton's utilization of hundreds of high school and college players over the course of a year to test and evaluate its products. At any given time, Easton has at least five full-time staff members dedicated to this research. This extensive investment and commitment has enabled Easton to achieve and maintain its status as the leading manufacturer of premier metal and nonwood composite bats.

6. Of course, Easton's sales depend on the perception that these bats may be used safely. Otherwise, players and coaches would be reluctant to continue to purchase Easton's best-selling metal and nonwood composite bats.

7. The New York City council's ban on metal and non-wood composite bats effectively declares, without justification or support, that New York City believes that Easton's metal bats and non-wood composite bats are unsafe. This unfair accusation will damage the reputation of our leading products.

8. In addition to the unfair label as a manufacturer of unsafe products, Easton will suffer real financial consequences from the actions of the New York City Council. Easton makes significant annual sales to New York City high school players through many New York City area retailers such as Modell's, Paragon and Olympia. Annual sales of adult baseball bats to these retailers alone amounts to over \$600,000. This likely understates the New York City market since a significant and growing number of consumers purchase adult baseball bats over the internet. These sales will be negatively affected as well.

I declare under penalty of perjury that the foregoing is true and correct.

This 25<sup>th</sup> day of May, 2007.

  
MATT ARNDT